

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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ANTHONY BAYAD,

Plaintiff ,

JOHN CHAMBERS, PATRICIA
RUSSO, ANTHONY
SAVASTANO and CARL
WIESE,
Defendants ,

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION

CASE NO. 04-cv-10468-PBS

HONORABLE DISTRICT JUDGE PATTI B. S. JARIS

NOTICE OF PERJURY AND MOTION FOR JURY TRIAL DEMANDED

THE 7TH AMENDMENT OF THE U. S CONSTITUTION

DEFINITION OF PERJURY (18 U. S. C. CHAPTER 79 - PERJURY)

(1) Perjury is the "willful and corrupt taking of a false oath in regard to a material matter in a judicial proceeding". It is sometimes called "lying under oath"; that is, deliberately telling a lie in a courtroom proceeding after having taken an oath to tell the truth. It is important that the false statement be material to the case at hand—that it could affect the outcome of the case.

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material

matter which he or she does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

Defendant **Carl Wiese** provided his declaration that his job description title is **Area Vice president for Advance Technology**. But the record(s) filed before the Court evidence otherwise, That his real job description with Cisco is "**Area Vice president for U.S Sales of Cisco**", and he declared pursuant to 28 U. S. C. 1746, docketed before this court **Docket.# 68**, also attached herein as **Exhibit A** for the convenience of the Court to review Defendant Carl Wiese declared under the pains and penalties of perjury, pursuant to 28 U.S.C § 1746, the following:

" I CARL WIESE, declare under the pains and penalties of perjury, pursuant to 28 U.S.C. § 1746, the following:

1. I am the **Area Vice president for Advance Technology** with Cisco Systems, Inc. ("Cisco"). I have worked at Cisco at its Edison, New Jersey facility since August 27, 2002.
2. I submit this declaration in support of the Motion for Summary Judgment of myself, John Chambers and Anthony Savastano in connection with the captioned matter
5. Although I knew Mr. Bayad when we both worked at Lucent in 1997, I did not interact in any way with Mr. Bayad during the period of his employment with Cisco or at any time thereafter."

COMES NOW, Plaintiff *Pro Se* states for the record that he is again shocked and amazed by the Defendants' false declaration(s) filed before the Court and with their premature Motion for summary Judgment (introduce absent of any discovery proceeding or Deposition(s) or any other means to prove his case as proscribed by law and the court), (Summary Judgment) was only a reoccurrence/conversion of their Motion under Rule 12 once before filed before the Court that did not survive. Attorneys are not for the record as Paula Hughes and Robin Tan who introduced their declaration(s) of their own as they are not named defendants in the above caption matter. They took advantage of the Situation that they designed to influence the Magistrate Judge Bowler to rule on their behalf; attorneys introduce false declaration(s) and in particular [t]he declaration of Defendant Carl Wiese that his Title with Cisco Systems is **"Area Vice President for Advance Technology with Cisco"**, and the Magistrate took it as true as it was stated in her Recommendation that was adopted or will be adopted, knowingly the Record of Cisco Directory provided by Cisco Systems and submitted and already filed with the Court on May 16, 2004, docketed (**Dkt.1 Exhibit R**) and attached herein as **Exhibit B** for the convenience of the Court to Review, openly contradict Carl Wiese's Declaration and evidencing of his real

Title with Cisco is "Area Vice president U.S Sales of Cisco" and absolutely not "Area Vice President for Advance Technology" as was provided by his Attorney Bruce Falby. Additionally in support of Plaintiff Pro Se fact introduced herein, the Court will find also in **Dkt.1 Exhibit(s) R**, the complete Defendant(s) Cisco personal Contact(s) and their title(s) of information(s) and name(s) of their manager(s) whom they report to included in the Cisco [D]irectory and dated **November 12, 2003** of Carl Wiese, Anthony Savastano, John Chambers, Brian Low, Brian Low, Bob Tracy, and Jeremy Noomman. Attached hereto as **Exhibit C**.

Wherein, Plaintiff Pro Se in his state of shock and amazement, states to the Court as follows:

As usual, Defendant Carl Wiese motive of lying solely to separate him self from the Cisco sale organization, and Plaintiff Pro Se called it "Déjà vu" when he (Carl Wiese) ordered once upon time in the year of 1997 Lewis Kaslow a technician with no college degree who was promoted by Carl Wiese to a Lucent Manager that Plaintiff Pro Se had sought but was denied on discrimination ground (Lewis Kaslow resided and worked out Denver with him "Carl Wiese"), under Carl Wiese direction Lewis Kaslow begin with other(s) Lucent Employees to verbally abuse Plaintiff Bayad bay calling him racist name and

telling the entire floor of Lucent that he (Kaslow) very proudly as he is backed up by Wiese that he did not care if Plaintiff Bayad had to take a flying carpet to attend a meeting and he is but a SAND NIGER, and when Plaintiff arrived to the facility Carl Wiese and Anthony Savastano plan is to execute upon Bayad the Nazi Gestapo tactics of abuse and torture in house at Lucent Technology Inc., thereafter the law suit was filed in Florida against Lucent, and Defendant Carl Wiese immediately relocated from Lucent Denver to Lucent New Jersey to separate him self from the law Suit as he is doing right here, he pull "the trigger" and he run away hoping to get away, additionally he discriminate against minorities (called sterno the pot) for the sole purpose to keep his job by involving the company in lengthy and risky law suits as this one where shortly all the minorities listed in the CISCO-NO-HIRE-LIST will be notified and sue cisco (the Cisco-No Hire- List is now a public records), and because he knows law suits can last up to 4 years, a plenty of time for him to be fully invested with the millions of Stocks Options that Cisco has given him (shares of the company). Hence herein in the above caption matter, he is doing the same trick by retaliating against Plaintiff a discriminatory act of a clear pattern of behavior that goes way back since the year of 1997, and by lying under oath a misconduct that **fooled** and **bullied** the Magistrate Judge Bowler

who took it as true and such lie by Carl Wiese and his Attorney(s) Bruce Falby is against the law and has prejudiced Plaintiff Pro Se, and he (Carl Wiese) has benefited greatly from it, when he submitted a lies to the Court under oath in his "declaration" that his not an **"Area Vice president of Cisco Sales organization"** to separate him self from the Cisco Sales organization, knowingly Plaintiff Pro Se 's group or organization is also an organization within the Cisco sale team and his office is located with the sale team, let alone explain that the sale team led by Defendant Carl Wiese (Cisco VP of Sales) , Chuck Robin (Cisco Director of Sales and the author of the Racial E-mail), and Bruce Bastian (also Cisco Manager of Sales and author of the Racial E-mail)denied Plaintiff Pro Se owner of/and founder of Global Internetworking Consulting Firm access in conducting Business with Cisco from the year 2001 to present time or to any potential Customer(s) as he (Defendant Carl Wiese)and his attorney(s) on discrimination ground and absent to Plaintiff Pro Se, **swearing a trespassing** against him by implying the Massachusetts Law that person who remains with right, on property such as Cisco System commits a **continuing misdemeanor**, even Plaintiff Pro Se is owner of company and Cisco Partner/reseller. Their goal and motive is to humiliate Plaintiff Pro Se as they have done with him during their

employment at Lucent Technologies. In addition Defendant Carl Wiese and Anthony Savastano directed as they have done in the past, Bruce Bastian a Cisco Manager to sent a **racial e-mail** on the same month of Plaintiff Pro Se wrongful termination with Cisco May 2001, for the purpose of making fun of him and humiliating and defaming the way Pro Se Plaintiff speaks English as they have also done during their employment with Plaintiff Pro Se at Lucent Technology, by ordering a Lucent manager to sent a racial e-mail title "it is done", sent on his termination day; additionally Chuck Robin reporting to Defendant Carl Wiese within the Cisco Sales organization, who disgracefully sent an e-mail using the Word "**NIGEL**" for **Niger** and "**Pupil**" for **Black** as way of jokes and communicating among them selves, and because Carl Wiese is known to promote Racism in the work Force as he did at Lucent, a sick behavior that he is known of and always exercise upon minorities similar situated as Plaintiff Pro Se. Defendant Carl Wiese's declaration under the pains and penalties of perjury was used intentionally as a false affidavit/Declaration to support his response to summary judgment that was allowed by the Magistrate Judge and it did prejudice Plaintiff Pro Se. Attorney Bruce Falby for the record has advise other(s) as **Paula Hughes** to file with the Court false declaration(s), lie(s), and tampered with other evidence in their previous response to motion to

dismiss, as he and other(s) was caught destroying evidence in the beginning of this litigation and the United States Justice Department and the Court was notified of such illegal conduct that is called obstruction of Justice and a motion of default Judgment was once filed with the Court by Plaintiff Pro Se. An E-mail From Cisco Legal Team instructing Cisco Sales Organization to destroy Evidence in this litigation is attached hereto as **Exhibit D** stating in it to destroy evidence that Plaintiff Pro Se introduced and filed before the court.

As matter of law the court should not tolerate this type of misconduct by neither Defendant(s) themselves nor their Attorney(s) for the record Mr. Bruce Falby who was nominated in Massachusetts by his firm " **the Super Lawyer**", and now I wonder why he is a Super Lawyer because he knows the short cuts and the tricks as he is doing in this above caption matter. The Court must strike their premature Motion for Summary Judgment and move for **jury trial** as proscribed by **the 7th Amendment of the United States Constitution**. Additionally a lawyer such Bruce Falby is prohibited and shall not knowingly make false statement of material fact or law to tribunal, or fail to disclose a material fact to tribunal when disclose is necessary to avoid assisting a criminal or fraudulent act by his client Defendant.

Carl Wiese, or offer evidence that Attorney for the record Bruce Falby knows to be false like the Declaration of his client Defendant Carl Wiese, that Bruce Falby has offered in this forgoing caption matter, and/or witness testify on behalf of his client as he did in the pretrial conference and have given such evidence comes to know, and he already knew of its falsity, Mr. Bruce Falby shall take reasonable remedial measures. Finally, when evidence that a lawyer such as falby knows to be false and is provided by Defendant Carl Wiese , **"Mr. Flaby"** [t]he Lawyer must refuse to offer any false declaration(s) or false statement(s) regardless of Cisco Client(s) and this include Paula Hughes or Defendant Carl Wiese 's wishes. (please see the Massachusetts Professional Ethics guidelines)

STATEMENT OF FACT

The Magistrate Judge Bowler did not allowed defendant(s) to be depose nor did she ordered/directed them to comply with any discovery proceeding as matter of law , nor did she provide any subpoena(s) to gain access of any discoverable material, that will be utilized in support of the Plaintiff Pro Se ' claim(s), and Plaintiff Pro Se believed with her action in this litigation, provided "La Card Blanche" and signaled a green light(s) to attorney(s) Bruce Falby in this forgoing caption matter, to introduce prematurely summary judgment without the process and/or the mandatory of discovery compliance as was

recommended by the district Judge and the law; Attorney Bruce Falby as an officer of this honorable Court has duty to comply fully with the law as he took an oath to protect the constitution of United States and to comply with the professional Ethics, (he) was allowed to introduce lies in the pretrial conference hearing and misleading statement as the one found in **Docket. 67 page 2 line 6** Statement of **Undisputed facts**, and Bruce Falby State the Following: (the page of such misleading statement is attached as **Exhibit E** hereto). Mr. Falby stated the following:

" **Mr. Chamber** does not "**recall**" ever meeting Anthony Savastano (" his **Vice President** of Finance and his Office is in the same Floor in San Jose CA as him") or Carl Wiese ("his **Vice President** of Sales") let alone communicating with them about Mr. Bayad.

As it is outrageously a lie when a President of Cisco has never met his Cisco Executives VP of Finance and VP of Sales such statement of Bruce Falby on behalf of defendant Chambers cannot be allowed as it is baloney, knowingly he Bruce Falby is an officer of the Court, who is entering in denial and introducing to the Court false Statement(s) that is prejudicing Plaintiff Pro Se, that " the " two Vice President(s) one of them is a Cisco Vice President of Finance and the other is Vice President

of Cisco Sales, having said that Defendant Chambers has never met them nor he knew each other(s) Defendants Carl Wiese and Anthony Savastano, that is a lie and it is a shame and as it is like saying that the president of United States has never met his secretary of Treasury nor he has met his secretary of state. It is a shame. The fact proven and introduced before the Court that Savastano is best buddy of Defendants Chambers and both have worked together at **WAN LABORATORY INC.** and Carl Wiese worked with Defendant Chambers at **IBM**, also Carl Wiese worked with Defendant Savastano and Plaintiff Pro Se at **Lucent Technologies**, where a discrimination law suit was filed against one of them, was pending against one of them in U.S district Court of Southern District of Fort Lauderdale for about 3 years as the old saying states " that the friend of my friend are my friends", and the Court can draw its conclusion.

In addition of the forgoing above matter, Attorney Bruce Falby provided (in his support of the Defendant(s)' summary judgment) of unknown person to Plaintiff Pro Se named **Paula Hughes** and her declaration (**See Docket 68**) in regard of Bayan applying and being considered for the **North Africa position** the Systems Engineer, that he applied for it as he was qualified, on about **November 2, 2000** was invited to Fly at expense of Cisco for a duration of week to (3) foreign Countries **England City London, France city of Paris, and United Arab Emirate city Dubai**.

and the Manager were very impress and an oral contract was offered/given (binding in Massachusetts) to Pro Se Bayad , upon his return to the States he was advise by Arab Manager(s) that his name was classified in the Discriminatory Animus the **CISCO NO-HIRE-LIST** that the defendant admitted to it and only provided a partial of it, where 100 to 1000 of Minorities ' names are listed in it the **CISCO-NO-HIRE-LIST**, that Plaintiff Pro Se provided and filed it with the Court as a hard copy and the soft copy of such Cisco discriminatory animus list , that Defendant Anthony Savastano used to classified in it Plaintiff Pro Se ' name and stated in it the following :

"DO NOT HIRE ANTHONY BAYAD EMPLOYEE #73799 SHOULD YOU HAVE A QUESTION, CONTACT ANTHONY SAVASTANO"

Attorney Bruce Falby in support of the Defendants' Summary Judgment that was allowed prematurely, he introduced with it a " declaration" such person named **Paula Hughes** that Pro Se Bayad doesn't have a clue who she is and have never met with her, and he was not given an opportunity to investigate her background. Moreover, she (**Paula Hughes**) was "not" even employed By Cisco when Pro Se traveled to Cisco Europe interviewing for the North African position the System Engineer with Cisco Europe. Ms. Paula Hughes ' own declaration admitted that she was not even employed with Cisco Systems! when Plaintiff was traveling to

Europe on about November 2, 2000, and she joined Cisco on about December 18 of the year 2000 and the Court can draw it Conclusion; Mr. Falby clearly introduced false and misleading declarations called baloney to this tribunal and it is a clear act of perjury, a false fact(s) designed to prejudice Plaintiff. Attorney Bruce Falby advised such person Paula Hughes to state the Following pursuant to **28 U.S.C § 1746**, and it is a lie: (attached **Exhibit : F** hereto)

"I, **PAULA HUGHES**, declare under the pains and penalties of perjury, pursuant to **28 U.S.C. § 1746**, the following :

1. I am a Human Resources Manager, World Wide Employee Relations, employed by Cisco Systems, Inc (" Cisco"). have worked at Cisco out of its San Jose, California facility since December 18, 2000.

(please notice: Bayad traveled to Europe with Cisco on about November 3, 2000 and she was not even employed by Cisco until the December 2000 how does she know of any fact surrounding this matter and who is she?).

2. In my capacity as Human Resources Manager, I am fully familiar with the facts and circumstances of Cisco 's employment policies generally and with respect to Anthony Bayad ' employment specifically.

(please notice: how does she knows Plaintiff Pro Se, when she was not even employed with Cisco until December 18, 2000, only 3 month before Plaintiff Pro Se ' wrongful termination from Cisco on about April May time frame and Plaintiff Pro Se has never met her. It is a shame that her declaration was not question by the **Magistrate Judge Bowler** or why Paula Hughes is involved his this above captioned matter).

3. I have read Mr. Bayad 's complaint in the captioned matter and submit this declaration in support of the Motion for Summary Judgment of John Chambers, Anthony Savastano and Carl Wiese ("the Cisco Defendant")
4. Mr. Bayad alleges that on or about November 2, 2000, While he was employed by Cisco, he applied for a transfer to Cisco Europe for a position as a systems manager or systems lead engineer for Cisco ' North Africa region ("the North Africa Position"), that he was given a oral offer for the North Africa Position, but that Cisco corporate headquarter declined to approve the oral offer based upon discrimination reasons.
5. I have **undertaken** an **exhaustive** search of Cisco ' s records, and have located "**no**" documents, memoranda, vouchers or any other such materials that substantiate Mr. Bayad's allegations that (1) he applied for the position, (2) he was flown at Cisco ' expense to Europe or Africa to interview for the position or (3) he interviewed with Cisco engineers for the position.

(please notice: the **British Airways** have all the record(s) of Plaintiff Pro Se travel document(s), proving that Cisco purchased the plane tickets to fly him around half the globe, **France Paris, England Paris, and United Arab Emirate Dubai**, also the **Cisco American Express travel** have such record, finally the **Government of United Arab Emirate Dubai** also evidencing that plaintiff Pro Se entered the country **under Cisco sponsorship** and under the **direction of Cisco**, issued an **official Visa** to permit Pro Se Bayad to enter the Country, and to enter the country of **United Arab Emirates** someone must to sponsor such person, and in this case Cisco did sponsored Plaintiff Pro Se to obtain a Visa to enter the Country, as he entered under the sponsorship of Cisco in Dubai, and statement of interest to all **U.S Citizens** are mandated and required a **Visa to enter such Country the United Arab Emirates**. It is shame that Paula Hughes lied under oath and pursuant to 28 U.S.C § 1746).

The Magistrate Judge Bowler must review such misleading declaration(s) and question it(s) fact(s) and such declaration must be striking for the record as matter of law. She (Paula Hughes) "**lied**" denied that even Pro Se traveled to Europe and Africa on Cisco Expense when the records of Cisco American Express Travel shows that Cisco purchased the tickets from the **British Airways** to fly Plaintiff to **France Paris, England London,** and **United Arab Emirates,** and Cisco sponsored him to **obtain visa** to enter **Dubai the United Arab Emirates,** for the sole purpose to meet with the Hiring Manager(s) whom some speaks Arabic, some speaks French, and other speak English, provided Plaintiff Pro Se with oral contract and discussed the location, the job description and the salary, and the contract condition(s). additionally Cisco has telephone record(s) at its possession proving Plaintiff made several phone calls from Cisco office located in the United Arab Emirates, such calls were generated to his Family living in the United States the city of Melrose with area code (781+ **the home number is also found in the Cisco Job Application and if they need it (I) Plaintiff will provided it to them**), such call was made during his stay in such country on **November 5, and 6 of the year of 2000,** and the records is with Cisco. Also, Plaintiff was absent and did not take any vacation time called **PTO** as they admitted that, Pro Se did not take any **Time OFF** for **the month of**

November as he did not, because such trip was Called business trip for the entire duration of such trip, and Plaintiff Pro Se was absent for such duration and was not in the office because his Manager Lynn Fraser was aware and Okayed such trip, being absent will be abandoning his job, furthermore Plaintiff Pro Se Manager Lynn Fraser was contacted by Hiring Manger(s) who proceeded with the job interview and the travel expenses that Cisco paid for it, otherwise the Cisco hiring Managers will not proceed of interviewing and flying Plaintiff Pro Se, and in addition being absent for such trip, plaintiff will be immediately terminated on the spot, relief from his duty if he did not show up for work and if unable to be contacted as he was out of the country and out of range even to answer his pager, or his Cisco Cell-phone. Additionally Paula Hughes (See **Dkt #68** where she attached the **Cisco-No-hire-List**) and her Attorney Bruce Falby denied that **CISCO-NO-HIRE-LIST** the discriminatory animus even exist , but He and other including Paula Hughes provided it and it is docketed with the Court. Also another attorney for Defendants Robin Tarr also with DLA Piper Rudnick provided the **CISCO-NO- HIRE-LIST**. It is a shame that they lie and the Magistrate Judge Bowler did not take action against them and have allowed the Summary Judgment for defendant absent of discovery, knowingly Plaintiff Pro Se provided Facts

and Defendants and their attorneys provided opinion(s).

ARGUMENT

In *McLaughlin Transportation Systems, Inc. vs. Barbara Rubinstein*, Civil Case No. **03-11545- MBB**, Magistrate Judge Bowler presiding ordered and stated in page 18 the following:

" . . .all reasonable inferences must be made in the light most favorable to the non-moving party. *Barbour v. Dynamics Research Corp.*, 63 F.3d 32, 36 (1st Circuit).

Hence in Civil Right Cases and discrimination cases such as Plaintiff Pro Se ' case, minimum of evidence is evidence sufficient to prove discrimination without inference or presumption and sufficient to raise inference of discrimination. *Santiago-Tamos v. Centennial P.R Wireless Corp.* 217 F.3d 411, 56 (1st Cir.), and the [w]eighting of the evidence and the drawing of legitimate inference facts in the light most favorable of the nonmoving party Bayad; Civil Case No. 03-11545- MBB, Magistrate Judge Bowler Presiding; thus Defendants or their Attorney(s) did not introduced of any admissible of evidence because they have none, unfortunately they failed to carry its burden by producing evidence of legitimate, nondiscriminatory reason for its action and therefore summary judgment is precluded. Furthermore [T]he weighting of the evidence and drawing of legitimate inference from the facts are [**tier of**

fact] function, and not the opinion of attorney Bruce Falby or the magistrate (absent of any discovery process against the law), who may influence the ruling on the motion for summary (as with discovery denied and deposition denied) - the evidence of the nonmovant Plaintiff Pro Se is to be believed , and all justifiable inferences are to be drawn in his favor -nor do we suggest that Magistrate Judge Bowler should act than with caution in granting summary judgment (deposition denied) or that Such presiding authority Magistrate Judge Bowler may not deny summary judgment in a case where there is reason to believe that the better course would to proceed to full trial. [T]hey cannot convert their Motion to Dismiss once before introduced under the **Rule 12** to Motion for **Summary Judgment** without a **proper time** allowed for discovery as proscribed by the Law and the Court and by doing so , [t]hey evade the legal proceeding in this case that is prejudicing Plaintiff Pro Se, additionally attorney(s) and Defendant(s) at different times in this litigation on the record(s), have given different and arguable inconsistent explanation for discriminating against Plaintiff Pro Se , and such statements were introduced under declaration under the pains and penalties of perjury, pursuant to 28 U.S.C § 1746; and such statement were lies; and it is a prove that articulated reason of a race discrimination. Dominquez-Cruz 7

Shuttle Caribbean, Inc. 202 F.3d 424, 431-32 (1st Cir.)

Additionally [t]hey failed to carry the burden of proof, by producing evidence of legitimate, nondiscriminatory reason for its action and therefore summary judgment must not be allowed and full course to trial by Jury is required accordingly the 7 amendment of the Constitution of the United States of America.

RELIEF REQUESTED

WHEREFORE, Plaintiff Pro Se prays that the Court provide him with trial by jury or as deemed and appropriate by the Honorable Trial Judge; and/or declare the Defendants' conduct to be in violation of his rights; and/or enjoin defendants from engaging in such conduct; and/or award him back pay and benefits (with interest) that have accrued to date; and/or award him front pay until normal retirement age; and/or award him compensatory damages as stated in the complaint for emotional distress, mental anguish, and loss of enjoyment of life, humiliation and the disparate treatment, and discrimination and false imprisonment he suffered at the hands of such defendants

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ANTHONY BAYAD

CERTIFICATE OF SERVICE

It is hereby Certify that a true and correct copy of Notice of perjury and motion for jury trial demanded, was furnished via U.S mail to : Mr. Bruce E. Falby, BBO # 544143, DLA Piper Rudnick Gray Carry, One International Place, Boston MA 02110, this 27 day of September 2005

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